

Government Furnished Equipment (GFE) For Use by Contractors

Pursuant to §126.3 of the ITAR and only for the export of Government Furnished Equipment hand carried out of the United States for use in service of a U.S. government contract, the Deputy Assistant Secretary for Defense Trade Controls has waived the provision in §123.22(a)(2) which requires Customs and Border Protection (CBP) to decrement DSP-73 temporary export licenses under certain circumstances. This will serve as a temporary solution addressing the need for U.S. companies to equip personnel with certain defense articles when deploying overseas in support of U.S. government missions. DDTC has worked out this arrangement with CBP in order to ease the overseas transit of contract personnel to and from military facilities which do not have a regular CBP presence. Under this new policy, companies will be required to obtain a DSP-73 for all of the defense articles to be carried abroad by their personnel. CBP may review the documents as they see fit, but for DSP-73s issued under this policy CBP will not be required to decrement the license at the time of export or import. The license holder will need to account for exported equipment with regular updates to the license case in D-Trade. This policy will cover any defense articles approved under the DSP-73 and carried by the company personnel into or out of any U.S. Port of Entry.

Please remember that any export of defense articles not authorized on a license or claimed under an exemption with the required electronic filing with CBP is a violation of the ITAR and the reporting requirement in section 38(i) of the Arms Export Control Act (22 U.S.C. §2778(i)). In reviewing the scenarios for this policy, the §123.17(f) exemption did not allow for all of the equipment that was needed, and the §126.4 exemptions were not applicable to the majority of the transactions taking place.

PROCEDURE

1. Your company must be registered with DDTC in order to apply for a DSP-73 via D-Trade and to use this procedure.
2. Your company should estimate your projected deployment needs and allow for more items than personnel to prevent situations that would make an export in a short notice situation impossible. The DSP-73 should overestimate your needs (within a reasonable amount) to allow for the missions to be completed and the personnel deployed.
3. Apply for a DSP-73 as normal with the following supporting documentation.
 - a. A cover letter explaining that you are supporting a U.S. government contract that requires personnel to carry defense articles issued by the U.S. Government.
 - b. A copy of your service contract.
 - c. A copy of this web notice.
4. Once the DSP-73 is approved, please read and adhere to any provisos. At the time of export, ensure that the company personnel have a copy of the license under which the equipment issued to them will be exported, in addition to a copy of the hand receipt for

the equipment. (Please remember that internet access may be limited and having paper copies to present to CBP if requested will be the most expeditious way to clear Customs).

5. Ensure that the defense articles to be exported by the company personnel are identified on your license. Equipment that is not subject to Department of State jurisdiction will not be approved for export under these licenses. Defense articles not identified on the DSP-73 will not be authorized by this policy and may require separate licensing or authorization.
 6. After each deployment or re-deployment you must upload additional information (within 15 days) to the license case in D-Trade. This updated information must identify the date of transaction, equipment description, and number of items that have been exported or returned.
 7. Ensure that prior to re-deployment, your personnel are in possession of their DSP-73 and their hand receipt. This will expedite the process upon return.
 8. This policy in no way alleviates you from any other CBP regulations, documentation, or inspections requirements.
-